

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MICHAEL TILLMAN	)	
Plaintiff, Pro-Se	)	
	)	
JOHN PAUL SMITH	)	
Plaintiff, Pro-Se	)	
	)	
DONALD F. BLIZZARD, SR.	)	
Plaintiff, Pro-Se	)	
	)	
v.	)	DOCKET NO: 04-CV-40107-GAO
	)	
JOHNSONDIVERSEY, INC.	)	
[Incorrectly identified as "Johnson	)	
Divsersay, Inc.]	)	
Defendant.	)	
	)	

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**MOTION OF THE DEFENDANT JOHNSONDIVERSEY, INC.,**  
**FOR ENTRY OF AN ORDER OF DISMISSAL AS TO**  
**PLAINTIFF JOHN PAUL SMITH ONLY**

The defendant, JohnsonDiversey, Inc., (incorrectly identified as "Johnson Diversay, Inc.") (herein "JDI") pursuant to Fed. R. Civ. P. Rule 58, moves for entry of an Order of Dismissal against plaintiff John Paul Smith, only, because the Smith claim has been resolved as between the parties. A copy of the Settlement Agreement is attached as Exhibit "A", and a proposed Order is attached as Exhibit "B".

Wherefore, the defendant, JohnsonDiversey, Inc., moves for entry of an Order of

Dismissal against plaintiff John Paul Smith, only.

Respectfully Submitted,  
The defendant,  
JOHNSON DIVERSEY, INC.  
By its attorneys,

*/s/ Lee Stephen MacPhee*  
Lee Stephen MacPhee, BBO #312400  
MORRISON MAHONEY LLP  
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**L.R. D. MASS. 7.1(A)(2) CERTIFICATION**

I, Lee Stephen MacPhee, Esquire, counsel for the moving defendant, hereby certify that pursuant to L. R. D. Mass. 7.1(A)(2), I have attempted to confer in good faith with the *pro se* plaintiffs to resolve or narrow the issues presented by the within Motion, and have thus far been unsuccessful.

*/s/ Lee Stephen MacPhee*  
Lee Stephen MacPhee, Esq.